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Human rights situations that require the Council's attention

Written statement* submitted by the Iranian Elite Research Center, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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It is a long time that he majority part of the reports of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, is related to huge amount of death penalty. According to unofficial or even governmental released statistics, more than 70 percent of executions belong to drug-related offences. So by omitting the mentioned large punishment, the number of that would drop down more than 75%. As a NGO cooperating with some other NGOs and research centers, we are trying to scrutinize the issue. Also, during necessary investigation we enquire experts and government to explain the reasons.

According to second clause of 6th article of International Covenant on Civil and Political Rights (ICCPR), sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present covenant and to the convention on the prevention and punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgment rendered by a competent court.

Furthermore, execution has been common and usual punishment across the world during the history, however, only offences threating the society status. These subjects and crimes are not only criminalized in few items but also confirmed by all of lawyers and jurists in Iran. Additionally, owing to be considered as a basic fundamental for national security, it is applicable for society.

Some of the most considerable subjects in this issue would be mentioned as follows.

Iran is among top countries fighting against narcotics in the world
Smuggling subject is very complicated issue. According to UN reports, the global drug trade generated an estimated US$ 500 billion. This huge amount of money comes to an attraction field for criminal activities. On the other hand, because of neighboring with Afghanistan the biggest producer of Heroin, Islamic Republic of Iran isthe Balkan route traverses and the main trafficking corridors linking Afghanistan. Hence, Iran is the most engaged country in fighting with drugs. As a matter of fact, fighting with trafficking narcotics annually, however cost a lot, it is confronted with significant distribution of drugs across the country.

Legal aspects and public approach to execution
The death penalty for smuggling has been legislated in 1960 for the first time and confirmed after Islamic Revolution. In 1980, religious authorities confirmed that and Iranians in political rallies count it as a great success. It is supposed that how Iranians were threatened with drugs on those days.
In recent years, the deterrent effect of execution has been criticized by some lawyers and jurists especially because drug contraband has been complicated and exceeded in Iran's east borders by terrorist groups recently. The lawyers are categorized in two majors:

1- First, one believe that complicity of smuggling network threats on society is so much that even a minor decline in punishment will increase the amount of contraband and decrease the risk of contributing in this kind of activities for unemployed people. Needless to say that the economic situation affected by international sanctions against Iran, plays a main role in the ground.
2- Second, one believes that most of executions relates to Heroin retailers who just carried more or less 30 gr Heroin. Accordingly, this legal barrier should have been amended.

Obviously, narcotics issue is very complicated in Iran rather than other countries. It is thought that it would be investigated in Iranian culture paradigms. We believe that human beings have inherent munificence that has granted him the right to live. But when it comes to be threatened by a drug smuggler, and a portion of society especially the young are crammed into drug infested, he is convict. Moreover, it would be assumed as a genocide that will affect the whole society.

What sorts of activities have been done?
We decided to investigate mentioned issue, wisely, logically and beyond political views, in respect of human rights. Accordingly, we came to this conclusion that present punishments have to be amended and execution involved in drugs has to be limited and convicts should be punished with alternatives like life imprisonment or heavy financial penalties.

Nevertheless, precautionary measures have to be taken including cultural activities and enhancing public awareness in order to reduce the demands of drugs.

Moreover, we could have some negotiations with some legislators and persuaded them that some of the punishments related to drugs have to be amended. Accordingly, about 70 legislators drafted a legislation that would impose stiff penalties instead of execution. It seems that any kind of hastily and without appropriate researched measures would be likely result irrelevant issues. Altogether, we appreciate this movement and we are trying to aggregate lawyers and jurists' observation in order to be passed by legislature and the judiciary.